

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION SIX

SUGAR CREEK REST, INC., GENERAL  
PARTNER, AND PHILLIP E. TACK,  
KENNETH R. TACK, JR., STEVEN D. TACK  
AND MATTHEW P. TACK, LIMITED PARTNERS  
D/B/A CHICORA MEDICAL CENTER LIMITED  
PARTNERSHIP<sup>1</sup>

Employer

and

Case 6-UC-409

SERVICE EMPLOYEES INTERNATIONAL  
UNION, LOCAL 585, AFL-CIO, CLC

Petitioner

**DECISION AND ORDER**

Upon a petition duly filed under Section 9(b) of the National Labor Relations Act, a hearing was held before Suzanne C. Burnett, a hearing officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this case to the undersigned Acting Regional Director.<sup>2</sup>

Upon the entire record in this case<sup>3</sup>, the Acting Regional Director finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

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<sup>1</sup> The name of the Employer appears as amended at the hearing.

<sup>2</sup> Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th St., NW., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by December 23, 1999.

<sup>3</sup> Neither party filed a brief in this matter.

3. Service Employees International Union, Local 585, AFL-CIO, CLC (herein called "the Union"), is a labor organization within the meaning of Section 2(5) of the Act.

Pursuant to a certification which issued on October 5, 1999, in Case 6-RC-11715, the Union is the collective-bargaining representative of certain employees of Sugar Creek Rest, Inc., General Partner, and Phillip E. Tack, Kenneth R. Tack, Jr., Steven D. Tack, and Matthew P. Tack, Limited Partners d/b/a Chicora Medical Center Limited Partnership (herein called "the Employer"). The unit is presently described as:

All full-time and regular part-time certified and non-certified nursing assistants, licensed practical nurses, social service aides, activities aides, housekeeping employees, laundry employees, cooks, dietary aides and maintenance employees employed by the Employer at its Chicora, Pennsylvania, facility; excluding all registered nurses, office clerical employees and guards, other professional employees and supervisors as defined in the Act.

In the instant proceeding, as amended at the hearing, the Union seeks to clarify the unit by including within it the positions of supply clerk, LPN/infection control and quality assurance, unit clerk and CNA/clerical employee. The parties stipulated at the hearing that the employees in these job classifications share a community of interest with the presently certified unit, and agreed that these positions should be included in the unit. The Union seeks to clarify the unit further by excluding from it the positions of assistant dietary supervisor, assistant to RNAC,<sup>4</sup> activities director, Vista Royale supervisor and laundry supervisor. The parties stipulated at the hearing that the employees in these job classifications should be excluded from the unit as they have the authority in the interest of the Employer to hire, discharge, assign, and discipline other employees or to responsibly direct them, or to effectively recommend such action, and are supervisors within the meaning of Section 2(11) of the Act..

Based on the above and the record as a whole, I find that the supply clerk, LPN/infection control and quality assurance, unit clerk and CNA/clerical employee share a community of interest with the employees in the bargaining unit and that those positions should be included

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<sup>4</sup> RNAC stands for registered nurse assessment coordinator.

therein. I further find that the assistant dietary supervisor, assistant to RNAC, activities director, Vista Royale supervisor and laundry supervisor are supervisors within the meaning of the Act and therefore should be excluded from the bargaining unit. Accordingly, I shall clarify the unit to be described as follows:

All full-time and regular part-time certified and non-certified nursing assistants, licensed practical nurses, social service aides, activities aides, housekeeping employees, laundry employees, cooks, dietary aides, maintenance employees, supply clerk, LPN/infection control and quality assurance, unit clerk and CNA/clerical employee employed by the Employer at its Chicora, Pennsylvania, facility; excluding all registered nurses, office clerical employees, assistant dietary supervisor, assistant to RNAC, activities director, Vista Royale supervisor, laundry supervisor and guards, other professional employees and other supervisors as defined in the Act.

#### ORDER

IT IS HEREBY ORDERED that the existing unit of employees of Sugar Creek Rest, Inc., General Partner, and Phillip E. Tack, Kenneth R. Tack, Jr., Steven D. Tack, and Matthew P. Tack, Limited Partners d/b/a Chicora Medical Center Limited Partnership, represented by Service Employees International Union, Local 585, AFL-CIO, CLC be, and it hereby is, clarified so as to include the positions of supply clerk, LPN/infection control and quality assurance, unit clerk and CNA/clerical employee, and to exclude the positions of assistant dietary supervisor, assistant to RNAC, activities director, Vista Royale supervisor and laundry supervisor.

Dated at Pittsburgh, Pennsylvania, this 9<sup>th</sup> day of December 1999.

/s/Michael C. Joyce

Michael C. Joyce  
Acting Regional Director, Region Six

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